

**REMARKS****Rejections Relying on 35 U.S.C. § 102(e)**

Applicant notes that the reference used in support of the rejections relies on 35 U.S.C. § 102(e). In responding to the rejections, Applicant does not admit that the reference is prior art and Applicant specifically reserves the right to swear behind this reference at a future date. However, Applicant contends that the claims are patentably distinct from the cited reference.

**Claim Rejections Under 35 U.S.C. § 102**

Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Alattar et al. (U.S. Patent No. 7,020,304). Applicant respectfully traverses.

**Claims 1-5**

The Office Action asserts, with respect to claim 1, that Alattar et al. discloses an image database of one or more advertising images stored on a computer-readable medium. Office Action, page 3, first paragraph (citing Figure 6, column 10, lines 10-36 and column 10, line 50 through column 11, line 23). However, Applicant notes that the alleged image database is actually a database used to relate identifiers contained in the watermark to more detailed information, and does not contain the image signal from which the identifier was extracted. *See, e.g.*, Alattar et al., column 10, lines 20-24 (“For example, the client extracts the watermark payload and forwards the ID to the database over the Internet using standard TCP/IP. In response, the database looks up the content information associated with that ID in the database and returns it to the client.”). This is not an image database, as it only relates identifiers extracted from Alattar et al.’s watermark payload to information associated with those identifiers.

The Office Action asserts that Alattar et al. discloses that each image of the database has a plurality of associated layers of metadata and that the computer system is adapted to embed each associated layer of metadata as one or more computer-readable data values in a separate steganographic sub-watermark of a steganographic watermark of the advertising image. As

noted in the preceding paragraph, there is no database of Alattar et al. associating layers of metadata with advertising images as recited in Applicant's claim1.

Applicant further notes that claim 1 is amended to recite, in part, "wherein the computer system is adapted to embed each associated layer of metadata as one or more computer-readable data values in a separate steganographic sub-watermark of a composite steganographic watermark of the advertising image." Applicant contends that Alattar et al. teaches intentional separation of its watermarks for different layers of information, and not the creation of a composite steganographic watermark. *See, e.g.*, Alattar et al., column 6, lines 15-20 ("In one implementation of layered watermarks for video, different watermark layers are embedded in discrete, interleaved time slots of the video. At each stage in the distribution of the video, the entity handling the video embeds its watermark identifier in the time slot allocated to that type of entity."); and column 8, lines 4-9 ("Finally, for images and video, the layers may be provided spatially. In this case, each frame or image is broken into tiles, e.g., square blocks of pixels, where tiles of the image or frame include various watermark layers and/or synchronization signals, if required. Thus, each tile or each set of tiles can have a different watermark layer."). Applicant thus contends that Alattar et al. teaches away from a composite steganographic watermark as recited in claim 1.

In view of the foregoing, Applicant contends that claim 1 is patentably distinct from the cited reference. As claims 2-5 include all patentable elements of claim 1, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e), and allowance of claims 1-5.

### Claims 6-11

The Office Action asserts that claim 6 is rejected for arguments similar to those presented for claim 1. Office Action, page 4, fifth paragraph. Accordingly, Applicant respectfully submits that claim 6 is patentably distinct from the cited reference for the same reasons as presented with respect to claim 1. In particular, Applicant contends that Alattar et al. fails to teach or suggest embedding each associated layer of metadata in a separate computer-readable steganographic sub-watermark of a composite steganographic watermark of the advertising image as recited in claim 6.

In view of the foregoing, Applicant contends that claim 6 is patentably distinct from the cited reference. As claims 7-11 include all patentable elements of claim 6, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e), and allowance of claims 6-11.

**Claims 12-16**

The Office Action asserts that claim 12 is rejected for arguments similar to those presented for claim 1. Office Action, page 5, second to last paragraph. Accordingly, Applicant respectfully submits that claim 12 is patentably distinct from the cited reference for the same reasons as presented with respect to claim 1. In particular, Applicant contends that Alattar et al. fails to teach or suggest embedding each associated layer of metadata in one or more digital data values encoded in a separate steganographic sub-watermark of a composite steganographic watermark of the advertising image as recited in claim 12.

In view of the foregoing, Applicant contends that claim 12 is patentably distinct from the cited reference. As claims 13-16 include all patentable elements of claim 12, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e), and allowance of claims 12-16.

**Claims 17-20**

The Office Action asserts that claim 17 is rejected for arguments similar to those presented for claim 1. Office Action, page 7, first paragraph. Accordingly, Applicant respectfully submits that claim 17 is patentably distinct from the cited reference for the same reasons as presented with respect to claim 1. In particular, Applicant contends that Alattar et al. fails to teach or suggest embedding each associated layer of metadata as one or more digital data values encoded in a separate steganographic sub-watermark of a composite steganographic watermark of the advertising image as recited in claim 17.

In view of the foregoing, Applicant contends that claim 17 is patentably distinct from the cited reference. As claims 18-20 include all patentable elements of claim 17, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e), and allowance of claims 17-20.

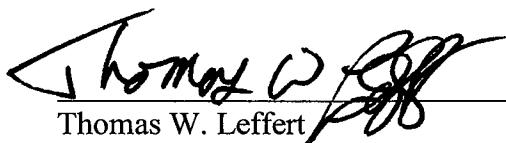
**CONCLUSION**

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 08-2025.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

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